

Order

Michigan Supreme Court
Lansing, Michigan

January 24, 2018

Stephen J. Markman,
Chief Justice

156759

Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein
Kurtis T. Wilder
Elizabeth T. Clement,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellant,

v

SC: 156759
COA: 338512
Wayne CC: 16-007134-FH

EDDIE MARC WILLIAMS,
Defendant-Appellee.

On order of the Court, the application for leave to appeal the October 11, 2017 order of the Court of Appeals is considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Wayne Circuit Court, and we REMAND this case to the trial court for resentencing. The decision in *People v Cobbs*, 443 Mich 276 (1993), does not exempt trial courts from articulating the basis for guidelines departures. Here, the trial court failed to articulate any reason for imposing a minimum sentence that was below the applicable guidelines range. On remand, the trial court shall “consult the applicable guidelines range and take it into account when imposing a sentence” and shall “justify the sentence imposed in order to facilitate appellate review.” *People v Lockridge*, 498 Mich 358, 392 (2015). If the trial court determines that the sentence will exceed the preliminary evaluation given to the defendant pursuant to *Cobbs*, 443 Mich at 283, the court shall give the defendant the opportunity to affirm or withdraw his plea, but the court shall not state the sentence it intends to impose. MCR 6.310(B)(2)(b).

We do not retain jurisdiction.



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I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 24, 2018

Clerk